

Message Text

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ORIGIN OES-09

INFO OCT-01 EA-10 L-03 ISO-00 SIG-03 ACDA-12 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DLOS-09 DODE-00 DOTE-00 EB-08 EPA-01 SOE-02
DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05 IO-13
JUSE-00 NSAE-00 NSF-01 OMB-01 PA-01 PM-05 SP-02
SS-15 NSCE-00 SSO-00 ICAE-00 INRE-00 /135 R

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EA/ANZ-MR. BODDE
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-----094828 120020Z /64

O P 112332Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY PORT MORESBY IMMEDIATE
INFO AMEMBASSY CANBERRA PRIORITY
AMEMBASSY SUVA
AMEMBASSY TOKYO
AMEMBASSY WELLINGTON
CINCPAC HONOLULU HAWAII 0776
HICOMTERPACIS SAIPAN

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E.O. 11652: NA

TAGS: EFIS, PLOS,

SUBJECT: LICENSING US TUNA BOATS IN PNG ZONE

REF: A. PT. MORESBY 1043 B. PT. MORESBY 1060
C. STATE 72824 D. PT. MORESBY 428

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1. REFTELS A AND B INDICATE CONTINUING MISUNDERSTANDINGS
(PERHAPS PURPOSEFUL) BY GPNG OFFICIALS RE U.S. POLICY ON
LICENSING OF TUNA VESSELS. SIMPLY STATED, WE CONSIDER THE
PURCHASE OF LICENSES BY TUNA VESSELS A COMMERCIAL DECISION
TO BE MADE BY THE BOAT OWNER/OPERATOR. OFFICIALLY, WE
NEITHER SUPPORT NOR OPPOSE SUCH PURCHASES (ALTHOUGH PRI-
VATELY WE MAY FROM TIME TO TIME OFFER THE INDUSTRY OUR

ASSESSMENT AS TO POSSIBILITIES OF SEIZURE OFF A PARTICULAR COAST). THE USG HAS NO LEGAL AUTHORITY TO REGULATE ITS TUNA VESSELS BEYOND THE U.S. TERRITORIAL SEA, EXCEPT IN SPECIFIC INSTANCES WHERE SUCH AUTHORITY FLOWS FROM AN INTERNATIONAL AGREEMENT TO WHICH WE ARE A PARTY. THEREFORE, WHILE WE CAN ENFORCE REGULATIONS AGREED TO IN THE IATTAC OVER A WIDE AREA IN THE EASTERN PACIFIC, WE HAVE NO SUCH AUTHORITY IN THE WESTERN OR CENTRAL PACIFIC. THIS SITUATION WILL BE CHANGED ONCE SPRFO HAS ADOPTED RECOMMENDATIONS AND THEY HAVE ENTERED INTO FORCE FOR THE U.S.

2. SIMILARLY THE USG IS NOT IN A POSITION TO NEGOTIATE A GOVERNMENT-TO-GOVERNMENT AGREEMENT WITH GPNG FOR ACCESS TO THE PNG ZONE FOR U.S. TUNA VESSELS. TO DO SO WOULD CONCEDE THAT PNG HAS A LEGITIMATE RIGHT TO REGULATE THESE HIGHLY MIGRATORY FISH, A CONCESSION IN PRINCIPLE WHICH WE ARE NOT PREPARED TO MAKE. CHAN'S VIEW THAT U.S. LAW PROVIDES FOR SUCH AGREEMENTS IS MISINFORMED. FYI: DEPT BELIEVES DABB, CHAN, AND WILSON FULLY UNDERSTAND THIS POINT, AND MAY BE SEEKING TO BRING PRESSURE TO BEAR ON U.S. ON THIS LEGAL ISSUE.

3. EMBASSY MAY DRAW ON ABOVE POINTS IN RESPONDING TO WILSON AND CHAN. IT SHOULD ALSO BE STRESSED THAT U.S. WOULD VERY MUCH LIKE TO AVOID AN INCIDENT AND IT IS OUR BELIEF THAT U.S. INDUSTRY IS OF THE SAME MIND. INDEED, LIMITED OFFICIAL USE

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EFFORTS OF INDUSTRY TO OBTAIN LICENSES WHEN AS LEGAL MATTER USG WOULD SUPPORT THEIR RIGHT TO FREELY FISH TUNA IN PNG ZONE IS INDICATIVE OF THEIR DESIRE TO MAINTAIN HARMONIOUS ATMOSPHERE. IF EMBASSY BELIEVES IT DESIRABLE, WE COULD INDICATE IN A FORMAL WAY THROUGH A DIPLOMATIC NOTE OR OTHER APPROPRIATE MEANS OUR POSITION ON THE LICENSING ISSUE. WE HAVE USED THIS DEVICE IN THE PAST WITH ECUADOR AND IT HAS PROVEN HELPFUL IN DEFUSING SITUATION. CRUX OF COMMUNICATION WOULD BE THAT USG DOES NOT AS A POLICY MATTER OPPOSE U.S. FLAG TUNA VESSELS PURCHASING FOREIGN LICENSES, ALTHOUGH WE MAINTAIN THAT THEY ARE NOT LEGALLY OBLIGATED TO DO SO. WE WOULD INDICATE THAT TEXT OF COMMUNICATION COULD BE USED PUBLICLY.

4. ALTHOUGH WE ARE NOT FULLY COGNIZANT OF ACTIVITIES OF STARKIST AND VAN CAMP IN PNG, REPORTS THAT THEY ARE SEEKING LICENSES FOR OBATS ON CHARTER TO THEM COME AS NO SURPRISE SINCE THIS IS STANDARD METHOD OF OPERATING. WE WOULD ALSO SUSPECT THAT VESSELS ARE BY NO MEANS ALL U.S. REGISTRY, HENCE VAN CAMP REPS REMARK THAT HIS COMPANY OPPOSES DIRECT GPNG-AMERICAN TUNABOAT ASSOCIATION NEGOTIATIONS. THIS IS REFLECTIVE OF NATURAL COMPETITION

BETWEEN FISHERMEN AND PROCESSORS. DEPT OFFICIALS MEETING WITH TUNA INDUSTRY REPS ON WEST COAST JULY 13 TO DISCUSS OTHER ISSUES AND WILL DISCRETELY EXPLORE PNG SITUATION AT THAT TIME.

5. OTHER VESSEL MENTIONED BY WILSON, THE JEANETTE "C" WAS OPERATING ON CHARTER TO THE PACIFIC TUNA DEVELOPMENT FOUNDATION (PTDF), A QUASI-GOVERNMENTAL ORGANIZATION FUNDED JOINTLY BY THE USG AND THE INDUSTRY. IT CONDUCTED EXPERIMENTAL FISHING ACTIVITIES IN THE SOUTH PACIFIC, INCLUDING IN MICRONESIA. THIS CHARTER COMPLETE, AND DEPT NOT CURRENTLY AWARE OF ITS MOVEMENTS. ANOTHER VESSEL,

THE BOLD VENTURE, HAS BEEN CHARTERED AND IS SCHEDULED TO LIMITED OFFICIAL USE

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CALL AT GUAM ON JULY 17 BEFORE COMMENCING OPERATIONS IN AREA. WE WILL FORWARD ANY INFO WE MAY DEVELOP ON THESE VESSELS.

6. FINALLY, EMBASSY MAY WISH TO POINT OUT TO CHAN ET AL THAT ASIDE FROM SPECIFIC TUNA ISSUE, U.S. IS CERTAINLY NOT OPPOSED TO DISCUSSING OTHER ISSUES WITH GPNG, INCLUDING ASSISTANCE IN DEVELOPMENT OF PNG COASTAL FISHERIES RESOURCES, METHODS OF ATTRACTING U.S. INTERESTS POTENTIALLY INTERESTED IN THESE FISHERIES, AND CONCLUSION OF A GOVERNMENT-TO-GOVERNMENT AGREEMENT ON THESE ISSUES IF DEEMED MUTUALLY DESIRABLE. CHAN MAY BE AWARE THAT U.S. ON AT LEAST ONE OCCASION APPROACHED GPNG RE DEVELOPMENT OF THE UNUTILIZED DEEPWATER SHRIMP RESOURCE OFF PNG COASTS AND WAS REBUFFED (SEE REFTELS C AND D). WE WOULD STILL BE INTERESTED IN DISCUSSING THIS ISSUE IF GPNG SO DESIRED. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, FISHING BOATS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE175327
Document Source: CORE
Document Unique ID: 00
Drafter: MDBUSBY:CSA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780284-0604
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780772/aaaacitz.tel
Line Count: 153
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 237e4977-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 72824
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2045899
Secure: OPEN
Status: NATIVE
Subject: LICENSING US TUNA BOATS IN PNG ZONE
TAGS: EFIS, PLOS
To: PORT MORESBY
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/237e4977-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014